

United States District Court
Southern District of New York

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| UNITED STATES OF AMERICA |) | NOTICE OF MOTION |
| |) | |
| -v- |) | 07 Cr 1095 |
| |) | (SAS) |
| ALEXANDER CONCEPCION |) | |

PLEASE TAKE NOTICE, that upon the annexed declaration of Hugh M. Mundy and the accompanying Memorandum of Law, the undersigned will move this Court, before the Honorable Shira A. Scheindlin, United States District Judge for the Southern District of New York, at a time to be designated by the Court, for an order, pursuant to Rules 12 and 41 of the Federal Rules of Criminal Procedure, suppressing any evidence and statements obtained as a result of the unlawful surveillance of Concepcion's cellphone, or granting an evidentiary hearing on this motion, and granting such other further relief as the Court deems just and proper.

Dated: New York, New York
March 28, 2008

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/s/ Hugh M. Mundy
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